

1 RICHARD SEGERBLOM, ESQ.
Nevada Bar No. 1010
2 701 E. Bridger, Ste. 520
Las Vegas, Nevada 89101
3 Tel: (702) 388-9600
Fax: (702) 385-2909

4 Attorney for Plaintiff
5

6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF NEVADA**
8

9 GHEORGHE BOTOSANU,)
10)

11 Plaintiff,)

12 vs.)

13 CITY OF LAS VEGAS,)

14 Defendant.)
15)
16)
17)
18)
19)
20)
21)
22)
23)
24)
25)
26)
27)
28)

COMPLAINT
(Jury Demanded)

COMES NOW Plaintiff and complains of Defendant as follows:

First Cause of Action
(Disability Discrimination)

I.

This is an employment discrimination action. The Plaintiff alleges he was discharged because of his disability, age and in retaliation for engaging in protected activity. Jurisdiction and venue are based upon the ADA.

II.

The Plaintiff is a resident of Clark County, Nevada and is a qualified individual with a disability. The Defendant City of Las Vegas (hereinafter "City") is a local government entity organized under the laws of the State of Nevada.

III.

The Plaintiff, age 58, worked for the City for 27 years. He was fired on October 29, 2015, in part because of his disability.

IV.

After his termination the Plaintiff filed a charge of discrimination with the EEOC and a copy of that charge is attached hereto and the facts asserted therein are hereby incorporated by reference. A right to sue letter based upon his charge has been obtained and this lawsuit has been filed within 90 days of receipt of that letter.

V.

As a direct result of the Defendant's discriminatory acts the Plaintiff has suffered financial loss, physical injuries and emotional distress based upon those injuries.

Second Cause of Action
(Retaliation)

VI.

The Plaintiff repleads and realleges the allegations contained in paragraphs I through V above as though fully set forth herein.

VII.

The above described acts of Defendant constitute retaliation in violation of the ADA and the Plaintiff has been harmed as a direct result of said acts.

Third Cause of Action
(Age Discrimination)

VIII.

The Plaintiff repleads and realleges the allegations contained in paragraphs I through V above as though fully set forth herein.

X.

The above described acts of Defendant constitute age discrimination in violation of the ADEA and the Plaintiff has been harmed as a direct result of said acts.

WHEREFORE Plaintiff prays for the following relief:

1. Reinstatement, with full backpay, benefits, seniority and prejudgment interest;
2. Front pay, if reinstatement is not practicable;
3. Compensatory damages in the amount of \$300,000;
4. Attorney's fees and costs of suit; and
5. Such other and further relief as the Court may wish to entertain.


DATED this ⁸²25 day of October, 2016.



RICHARD SEGERBLOM, ESQ.
701 E. Bridger, Ste. 520
Las Vegas, Nevada 89101
Attorney for Plaintiff

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION <small>This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</small>		Charge Presented To: _____ Agency(ies) Charge No(s): _____ <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC 487-2016-00852	
Nevada Equal Rights Commission and EEOC <small>State or local Agency, if any</small>			
Name (indicate Mr., Ms., Mrs.) Mr. Gheorghe Botosanu		Home Phone (Incl. Area Code) (702) 649-5785	
Date of Birth 08-29-1958			
Street Address 1709 Kenneth St., North Las Vegas, NV 89030		City, State and ZIP Code	
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name CITY OF LAS VEGAS		No. Employees, Members 500 or More	
Phone No. (Include Area Code) (702) 229-6217			
Street Address 333 N Rancho Drive, Las Vegas, NV 89101		City, State and ZIP Code	
Name		No. Employees, Members	
Street Address		City, State and ZIP Code	
DISCRIMINATION BASED ON (Check appropriate box(es).) <input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input checked="" type="checkbox"/> RETALIATION <input checked="" type="checkbox"/> AGE <input checked="" type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION <input type="checkbox"/> OTHER (Specify)		DATE(S) DISCRIMINATION TOOK PLACE Earliest _____ Latest 10-29-2015 <input type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)). On or about January 25, 1988, I was hired by the Respondent as an Engineering Tech I. My last job title was Survey Technician. From in or around March 2015 to on or about August 24, 2015, I was suspended for work performance and/or conduct related issues, with no specific expectations provided. On or about October 29, 2015, I was discharged. I believe I was discriminated against because of my disability, in violation of the Americans with Disabilities Act of 1990, as amended, retaliated against for engaging in protected activity, in violation of Title VII of the Civil Rights Act of 1964, as amended, and my age, 58 (DOB: August 29, 1958), in violation of the Age Discrimination in Employment Act of 1967, as amended. <div style="text-align: center;">Received intake 7/7/2016</div>			

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures. I declare under penalty of perjury that the above is true and correct. <div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div style="text-align: center;"> Jul 07, 2016 <hr/> <small>Date</small> </div> <div style="text-align: center;">  <hr/> <small>Charging Party Signature</small> </div> </div>	NOTARY – When necessary for State and Local Agency Requirements I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE <small>(month, day, year)</small>
---	---

EEOC Form 161 (11/09)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Gheorghe Botosanu**
1709 Kenneth St.
North Las Vegas, NV 89030

From: **Las Vegas Local Office**
333 Las Vegas Blvd South
Suite-8112
Las Vegas, NV 89101



On behalf of person(s) aggrieved whose identity is
 CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

487-2016-00852

Amy Nigro,
Investigator

(702) 388-5014

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

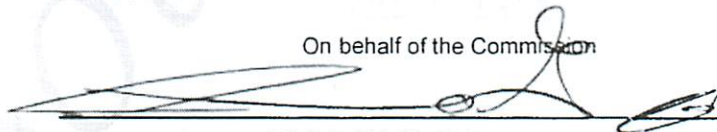
- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission



Richard T. Burgamy,
Local Office Director

JUN 26 2016

Enclosures(s)

(Date Mailed)

cc:

Michael J. Scalzi
Human Resources Manager
CITY OF LAS VEGAS
495 S. Main St.
Las Vegas, NV 89101